

Lodgement information

For help with lodging this application, or for more information about authorisations in New South Wales, contact:

Mining, Exploration and Geoscience

Resource Operations

Phone +61 2 4063 6600 (8.30am – 4.30pm)

resource.operations@planning.nsw.gov.au

Note

- any reference to the **'Department'** in this form, refers to **Regional NSW**

How to submit this form

- By email:** Send an electronic copy of the form including any attachments and proof of payment to resource.operations@planning.nsw.gov.au
- By mail:** Mail your form, any attachments and proof of payment to Mining, Exploration and Geoscience, Resource Operations, PO Box 344, Hunter Region Mail Centre NSW 2310
- In person:** Submit your application in person at the Department office, 516 High Street, Maitland, New South Wales. Office hours are 8.30am to 4.30pm

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The information contained in this publication is based on knowledge and understanding at the time of writing (July 2020). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Regional NSW or the user's independent adviser.

Privacy statement

This information is collected by the Department for the purposes of assessing an application for an authorisation or an application associated with an authority as required by the *Mining Act 1992* or Mining Regulation 2016.

This information may also be used by the Department to confirm applicant details in the event that subsequent applications are made and may also be used to establish and maintain databases to assist the Department with its work generally.

Except for purposes required by law, the information will not be accessed by any third parties in a way that would identify the person without the consent of that person.

You may apply to the Department to access and correct any information the Department holds if that information is inaccurate, incomplete, not relevant or out of date.

When to use this form

Complete this form if you are applying for the inclusion of petroleum in the mining lease for coal.

This form has been prepared for the purposes of [s78](#) of the *Mining Act 1992*.

If there is insufficient room in the fields, please provide the information as an attachment.

Important notes

Accompanying documentation

Any information or document that is required to accompany this application should be lodged within **10 business days of the lodgement date**. Failure to supply the information within this timeframe may be considered as grounds for refusing the application according to [cl6\(d\) sch1B](#) of the *Mining Act 1992*.

Agents

If this application is lodged by an agent on behalf of the applicant/s, the Department may seek confirmation of the authority under which the agent operates and any limits of that authority. The agent will need to complete the declaration at the end of this form and supply evidence of their appointment, if not already supplied to the Department ([cl97](#) of the *Mining Regulation 2016*).

Development consent

Please note that there must be an appropriate development consent in force with respect to petroleum before the holder can mine or prospect for petroleum. This applies even if a mining lease is varied to add petroleum. Please see [cl65](#) of the *Mining Act 1992*.

The land

Please note that the Minister must refuse an application if the application is over land:

- within the New South Wales adjacent area within the meaning of the *Petroleum (Offshore) Act 1982*, or
- subject to a petroleum exploration licence or a petroleum mining lease granted under the *Petroleum (Onshore) Act 1991* ([cl78\(4\)](#) of the *Mining Act 1992*).

The meaning of 'adjacent area' is defined in [Schedule 2](#) of the *Petroleum (Offshore) Act 1982*.

How to submit this form

Refer to the cover page for details.

Next steps

Once your application has been received, it will be considered and may be granted or refused by the Minister.

We will notify you in writing of the outcome of your application.

1 Mining lease/s details

Mining lease details			
ML number		Act	
Expiry date			
ML number		Act	
Expiry date			
ML number		Act	
Expiry date			
ML number		Act	
Expiry date			

Additional leases

Provide the numbers and expiry for any additional mining leases.

Additional mining lease details			

2 Lease holder/s details

Provide the full name of lease holder/s and if applicable, the ACN or ARBN (for foreign companies).

1 st Applicant details	
Name	
Contact phone	
Contact email	
ACN / ARBN	
Street address (Registered street address for a company)	
Postal address	<input type="checkbox"/> Same as above

Application for inclusion of petroleum in a mining lease for coal



Regional
NSW

Form ML5, Mining Act 1992

2 nd Applicant details	
Name	
Contact phone	
Contact email	
ACN / ARBN	
Street address (Registered street address for a company)	
Postal address	<input type="checkbox"/> Same as above

3 rd Applicant details	
Name	
Contact phone	
Contact email	
ACN / ARBN	
Street address (Registered street address for a company)	
Postal address	<input type="checkbox"/> Same as above

Additional lease holders

Provide the full name, phone number, email address, ACN or ARBN (for foreign companies), street address (individual), registered street address (company) and postal address details of additional lease holders.

Additional details	

3 Contact for this application

Any correspondence in relation to this application will be sent to this person.

Details	
Contact name	
Position held	
Company	
Postal address	
Phone (incl area code)	
Mobile	
Email	

Your preferred contact method

- Email (for companies - provide a company email address which is regularly monitored rather than an individual employee's email address)
- Mail (including DX)

4 Development consent

Do you have development consent already in force over the land for the additional mineral?

- Yes – I have attached a copy of the development consent over the land for the inclusion of petroleum
- No

Note: The holder will not be able to extract/prospect petroleum unless there is an appropriate development consent permitting the extraction/prospecting of petroleum ([s65\(2\)](#) of the *Mining Act 1992*)

5 Justification

5.1 Justification for adding petroleum

5.2 Details of proposed petroleum extraction

Provide details of proposed petroleum extraction (eg coal bed methane that is captured or extracted as a by-product in the course of conducting mining activities).

5.3 Changes to existing extractions and processing methods (if any)

6 Rehabilitation cost estimate

All authority holders must provide an estimate of rehabilitation costs. This estimate will be considered by the Department when determining the [security deposit](#) amount.

Before answering the following questions, read the [Rehabilitation cost estimate guidelines](#).

6.1 What is the total rehabilitation cost estimate across the entire authorisation?

The estimate should cover the estimated cost of rehabilitation for **all** prospecting and mining operations (including petroleum related activities/operations).

The Department is responsible for ensuring that the people of NSW do not incur a financial liability as a result of coal, mineral and petroleum exploration and production activities. All authority holders engaged in these activities are, therefore, required to lodge a security deposit.

The security deposit must cover the Government's full costs for rehabilitation in the event of default by the authority holder.

The rehabilitation cost estimate is an estimate of all rehabilitation liabilities which currently exist on the authority, including approved prospecting operations and those prospecting operations defined as exempt development.

Total rehabilitation cost estimate

\$

6.1.1 What method have you used to calculate the rehabilitation cost estimate? Attach your cost calculation to this application

- Department's [rehabilitation cost calculation tool](#)
- Other – attach your calculations or use the field below to describe the tool or cost guide you have used

6.1.2 What approvals/plans have you based the rehabilitation cost estimate on?

Provide date of approval letter(s) or reference where possible

Approval letter/s or reference	
<input type="checkbox"/>	Exploration Activity Approvals
<input type="checkbox"/>	Mining Project Approval/Development Consent
<input type="checkbox"/>	Mining Operations Plan/Rehabilitation Management Plan

6.2 What period is covered by the estimate?

What period is covered by the estimate?		
Current disturbance at date of application; or		
Period covered by the estimation		

6.3 What security is currently held by the Department?

Current security held by the Department
\$

7 Fee payment

Payment, proof of payment or details that allow the payment to be made must accompany this application form.

7.1 Fees and calculation

- The application fee amount is \$6,000.

7.2 Select your payment method

Select	Payment Method										
<input type="checkbox"/>	<p>Direct deposit</p> <p>Account name: Department of Regional NSW</p> <p>BSB: 032 001</p> <p>Account number: 183837</p> <p>Reference: AMP [authority type and number] (eg AMP ML1234)</p> <p>If you are paying by direct deposit, attach a copy of the receipt issued by your banking authority as evidence that you have paid.</p>										
<input type="checkbox"/>	<p>Credit card* (enter details below)</p> <table border="1"> <tr> <td>Payment amount*</td> <td>\$</td> </tr> <tr> <td>Type of card*</td> <td></td> </tr> <tr> <td>Cardholder's name:</td> <td></td> </tr> <tr> <td>Card number:</td> <td></td> </tr> <tr> <td>Expiry date (mm/yy):</td> <td></td> </tr> </table> <p>*Credit card merchant fees are applicable to all credit card payments and will be added to the payment amount at the following rates:</p> <p style="text-align: center;"> Visa & Mastercard: 0.4% Amex: 1.4% </p>	Payment amount*	\$	Type of card*		Cardholder's name:		Card number:		Expiry date (mm/yy):	
Payment amount*	\$										
Type of card*											
Cardholder's name:											
Card number:											
Expiry date (mm/yy):											

8 Checklist of items to be included with this application

Item		Reference
Development consent over the land for the inclusion of petroleum	<input type="checkbox"/>	Question 4
Rehabilitation cost estimate - calculations to evidence how the rehabilitation cost estimate is derived	<input type="checkbox"/>	Question 6
For payments made by direct deposit - proof of payment	<input type="checkbox"/>	Question 7
For agents only – evidence of appointment as agent, if this has not been previously supplied to the Department	<input type="checkbox"/>	Question 9

9 Declaration

This form must be signed by the applicant/s (in the case of a company a duly authorised officer) or an agent authorised to act on behalf of the applicant/s.

9.1 Applicant/s (individual or company)

For each applicant (signed below):

I certify that the information provided is true and correct to the best of my knowledge and belief. I understand under the *Crimes Act 1900 NSW* Part 5A, that knowingly or recklessly giving false or misleading information is a serious offence, and under the *Mining Act 1992* section 378C, any

Application for inclusion of petroleum in a mining lease for coal



Regional
NSW

Form ML5, *Mining Act 1992*

person who provides information that the person knows to be false or misleading is guilty of an offence, for which they may be subject to prosecution.

(For companies only) In addition to the declaration above, by signing below, I **also** certify that I am authorised to complete and provide the information in this form on behalf of the company listed in section 2 of this form.

1 st Applicant details	
Name	
Position/title	
Date	
Signature	

2 nd Applicant details	
Name	
Position/title	
Date	
Signature	

3 rd Applicant details	
Name	
Position/title	
Date	
Signature	

9.2 Agent authorised to act for the applicant

Evidence of appointment is required if this has not been previously supplied to the Department.

Agent details	
Name	
Position/title	
Date	
Signature	

Application for inclusion of petroleum in a mining lease for coal



Regional
NSW

Form ML5, *Mining Act 1992*

Office/Administrative use only

Application received:	
Time:	Date:
Officer's Name	
Signature	
Application fee amount: \$6,000	
Fee amount	\$
Receipt number	

For credit cards

Following confirmation of payment, remove the first eight digits of the credit card number from this form. Ensure that any saved copy does not include full credit card details.

Document control

Approved by: Executive Director, Resource Operations under delegation from the Minister administering the *Mining Act 1992*.

CM9 Reference: DOC20/493317

Amendment schedule		
Date	Version #	Amendment
July 2020	1.0	New format for Regional NSW. Form updated to reflect new Departmental name and branding, and updated links.